



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, December 2, 2004, 7:30 p.m.  
777 B Street, Hayward, CA 94541**

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**MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Sacks followed by the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS: Lavelle, Bogue, Thnay, Peixoto, and Zermeño  
CHAIRPERSON: Sacks  
Absent: COMMISSIONER: McKillop

Staff Members Present: Anderly, Conneely, Koonze, Patenaude, Payne, and Macias

General Public Present: Approximately 10

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARINGS**

1. Use Permit Application No. PL-2004-0508 – David Gaitan (Applicant/Owner) – Request for Outdoor Storage of Automobile and Truck Bumpers Within an Outdoor Storage Area – The Project is Located at 29699 Pacific Street

Staff report submitted by Assistant Planner Koonze, dated December 2, 2004, was filed.

Assistant Planner Koonze presented the staff report.

Commissioner Zermeño noted that on Condition #6 regarding removal of graffiti, the usual reference to the number of days within which it was to be removed had not been included. Assistant Planner Koonze stated that the language will be added.

Commissioner Peixoto expressed concerns regarding the condition to add evergreen trees in an area that might not have sufficient light to support the tree growth. Assistant Planner Koonze noted that the City's Landscape Architect had reviewed and approved the plans.

Chair Sacks opened the public hearing at 7:41 p.m.

David Gaitan, the applicant, stated that he disagreed with the need for removal of 2 parking spaces in order to add a larger sign. He felt that the current sign was adequate and deletion of 2 parking spaces would cause a problem of inadequate space for his employees to park. He further opposed

the requirement for a masonry wall, which would be too costly, as well as the fact that he felt the existing chain link fence was in good condition and adequate. He showed photographs of the business and indicated that the yard was not visible from BART, contrary to the staff report. He said he was willing to put up more trees and add slats to the fencing.

Commissioner Lavelle asked about the number of spaces for customers and if Mr. Gaitan was willing to modify the sign. Mr. Gaitan responded that there are seven, one of which is designated handicapped. Mr. Gaitan noted that he would be willing to modify the existing sign.

In response to Commissioner Bogue's inquiry regarding parking, Assistant Planner Koonze noted that the parking for the business exceeds the requirements per City regulations.

Commissioner Bogue suggested that employees could use some of the storage space behind the fence for parking. Mr. Gaitan responded that he preferred to retain the parking space in front.

In response to Mr. Gaitan's request for clarification regarding Condition #15, regarding the type and number of fire extinguishers, Assistant Planner Koonze noted that Mr. Gaitan would have to check with the Fire Department staff for details.

Commissioner Bogue asked Mr. Gaitan if he were given a longer time to complete the project, would he be able to install the wall. Mr. Gaitan replied that he estimated that the cost would be between \$10,000 to \$15,000, and that since they just purchased the property, it would be difficult to do. He indicated that it could possibly be done within 6 months.

Commissioner Peixoto asked if there was any purpose for the masonry wall or if it was just for the purpose of aesthetics. Planning Manager Anderly noted that the City would prefer to have something more attractive and that it was primarily based on aesthetics. She noted that the trees on the site were a deciduous type and therefore the recommendation for evergreens.

Mr. Gaitan stated that his building was the best looking building on the block.

Chair Sacks closed the public hearing at 8:00 p.m.

Commissioner Zermeño moved, to accept the staff recommendation that the project is categorically exempt from environmental review and approve the Conditional Use Permit, deleting Condition #5 regarding the masonry wall, adding language regarding the time within which graffiti needed to be removed, subject to the attached findings and remaining conditions of approval.

Commissioner Thnay seconded, but asked for a friendly amendment to add slats to the chain link fence and that the required trees be more mature and substantial in size.

Discussion ensued relating to sizes of trees and incremental costs, with a 36" box tree at about \$500 each, and the number of days to be required for graffiti removal. It was decided that 3 days would be the requirement for graffiti removal.

Commissioner Bogue stated he would not support the motion as he felt the masonry wall was an important condition.



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Chair Sacks indicated that she would not support the motion. She did not like the idea of requiring the expensive 36 inch box trees.

The motion failed with the following vote:

AYES: COMMISSIONERS Lavelle, Thnay, and Zermeño  
NOES: COMMISSIONERS Peixoto and Bogue  
CHAIR Sacks  
ABSENT: COMMISSIONER McKillop  
ABSTAIN: COMMISSIONER None

Commissioner Lavelle asked Chair Sacks if she would support a substitute motion that did not include the requirement for 36 inch boxed trees. Chair Sacks indicated that she would support the motion.

Commissioner Lavelle moved, seconded by Commissioner Zermeño, to accept the staff recommendation that the project is categorically exempt from environmental review and approve the Conditional Use Permit, deleting Condition #5 regarding the masonry wall, adding language regarding graffiti removal within 3 days, subject to the attached findings and remaining conditions of approval.

The motion passed by the following vote:

AYES: COMMISSIONERS Lavelle, Thnay, and Zermeño  
CHAIR Sacks  
NOES: COMMISSIONERS Peixoto and Bogue  
ABSENT: COMMISSIONER McKillop  
ABSTAIN: COMMISSIONER None

2. Conveyance of Surplus Real Property Parcel No. 122 – at Orchard Avenue and Whitman Street  
- to the Adjoining Property Owner (Continued from the November 16, 2004 meeting)

Staff report submitted by Survey Engineer Payne, dated December 2, 2004 was filed.

Survey Engineer Payne presented the staff report. He responded to questions from Commissioner Peixoto regarding a path to Orchard and indicated that there currently is no access. The neighbor who is purchasing the lot intends to fence it off to keep transients off the property and to stop the graffiti.

Chair Sacks opened and closed the public hearing at 8:22 p.m.

Commissioner Thnay moved, seconded by Commissioner Zermeño, and carried, with Commissioner McKillop absent, to accept the staff recommendation that the sale is categorically exempt from CEQA, and that the conveyance is not in conflict with the General Plan.

3. Use Permit Modification of Condition of Approval (SPR PL-2003-0113) Site Plan Review Application No. PL-2004-0557 – Alan Ford for Superior Electrical Advertising (Applicant) / United Growth (Owner) – Request to Allow Monument Signs at a Multi-Tenant Retail Center – The Project is Located at 24393 & 24345 Southland Drive

Staff report submitted by Principal Planner Patenaude, dated December 2, 2004, was filed.

Principal Planner Patenaude presented the staff report. He responded to questions from Commissioners. It was noted that an approved sign program exists which allows for letters to be placed in the recessed areas above the storefronts.

Chair Sacks opened the public hearing at 8:38 p.m.

Speaking on behalf of the property owner, the applicant, and the tenants, the following individuals cited various reasons to approve the modification and allow the monument signs. Some of the reasons included that the visual line of the trash enclosure as well as some of trees along Southland Drive detract from this smaller section that is not part of the mall and that the recessed areas are not highly visible.

Speakers for approval were:

Bill Stevenson, United Growth  
Jim Mog, Superior Electrical Advertising  
Jill-Ann Cooper, real estate negotiator for Sprint  
Sharon Carmichael, Terranomics  
Michael Seigel, Terranomics

Chair Sacks closed the public hearing at 8:59 p.m.

In response to questions from Commissioner Bogue related to the size of the dumpster and its enclosure, Principal Planner Patenaude responded that since there were more restaurants, a larger dumpster was required and the enclosures must be covered with a roof.

Commissioner Bogue stated that he felt that the signage on the building was adequate, as both faces of the building are very visible.

Commissioner Bogue moved, to accept the staff recommendation that the project is Categorically Exempt form CEQA pursuant to Section 15301 of the Guidelines, Existing Facilities, and to deny the Site Plan Review application subject to the attached findings.

The motion failed due to lack of a second.



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Commissioner Zermeño stated that the project was a definite improvement to the corner site. He added that he did not feel a couple of signs would clutter the area. It would help customers find the business they are seeking.

Commissioner Zermeño moved, and Commissioner Thnay seconded, to approve the modification of conditions to allow monument signs.

Assistant Attorney Conneely stated that if the Commission approved the modification to the use permit to allow the monuments signs, staff should be directed to bring back revised conditions of approval for the signs.

Commissioner Bogue stated he would not support the motion.

Chair Sacks opposed to adding anymore visual clutter to that area and stated she would not support the motion.

Commissioner Lavelle stated she was not completely opposed to the appearance of the sign, and that she agreed with some of the other comments made earlier. However, if the restaurants are good, they will attract business.

The motion failed to carry by the following vote:

AYES:	COMMISSIONERS Thnay and Zermeño
NOES:	COMMISSIONER Lavelle, Bogue, Peixoto
	CHAIR Sacks
ABSENT:	COMMISSIONER McKillop
ABSTAIN:	COMMISSIONER None

4. Use Permit Text Revocation of Administrative Use Permit No PL-2004-0343 – Initiated by the Planning Director – Mathew Zahari (Owner) – The Project is Located at 24850 Mission Boulevard

Staff report submitted by Assistant Planner Koonze, dated December 2, 2004, was filed.

Assistant Planner Koonze presented the staff report. He responded to questions from Commissioners. He stated that staff is recommending postponement of the hearing until December 16 to allow the property owner to complete the required work as the owner has begun to make a serious effort to do so.

Chair Sacks opened and closed the public hearing at 9:29 p.m.

Commissioner Peixoto moved, seconded by Commissioners Lavelle and Zermefio, and carried, with Commissioner McKillop absent, to accept the staff recommendation that the project is Categorically Exempt from CEQA review and to extend the revocation hearing to December 16, 2004.

5. Use Permit Application No. PL-2004-0576 – Pete Zucker (Applicant) / Pipe and Supply, Inc. (Owner) – Request to Operate a Major Outdoor Storage Yard in the Industrial Zoning District – The Project is Located at 24785 Clawiter Road at the Northwest Corner of Depot Road

Staff report submitted by Associate Planner Pearson, dated December 2, 2004, was filed.

Principal Planner Patenaude presented the staff recommendation and responded to questions from Commissioners.

Commissioner Peixoto noted that there were some bent and ugly signs on the Depot side of the road in the area of this property. Principal Planner Patenaude said he would notify Public Works.

Chair Sacks opened the public hearing at 9:41 p.m.

Pete Zucker, the applicant, offered to answer any questions. He clarified that Condition #12 requires lighting in the parking areas per the City's parking regulations, and does not include lighting in the storage area, as it is not required and staff concurred.

Chair Sacks closed the public hearing at 9:42 p.m.

Commissioner Thnay moved, seconded by Commissioner Bogue, and carried, with Commissioner McKillop absent, to accept that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15332, *In-Fill Development Projects*; and to approve the Use Permit, subject to the attached findings and conditions of approval.

## **ADDITIONAL MATTERS**

6. Oral Reports on Planning and Zoning Matters

Planning Manager Anderly reminded Commissioners regarding the upcoming field trip.

7. Commissioners' Announcements, Referrals

Commissioner Peixoto inquired regarding the signage for the Super 8 Motel on Foothill. Assistant City Attorney Conneely stated that the applicant has agreed to remove the sign and the matter is being handled by Community Preservation.



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**APPROVAL OF MINUTES**

Minutes of November 18, 2004.

The minutes were unanimously approved.

**ADJOURNMENT**

The meeting was adjourned by Chair Sacks at 9:46 p.m.

**APPROVED:**

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Julie McKillop, Secretary  
Planning Commission

**ATTEST:**

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Connie Macias  
Deputy City Clerk